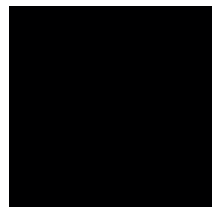




Knowing your rights in the workplace: diversity and inclusion



Knowing your Rights

Any employee should make an effort to know what rights they have in a workplace. I can help you to what to expect from your working environment and what adjustments you can request. UK employment law gives a legislative focus on areas like discrimination, working hours, data protection, recruitment, redundancy, and dismissal.

Employment Law

A person's employment status helps determine their rights and their employer's responsibilities, under UK employment law. Employment law looks at:

- Basic Rights and employment contracts
- Pay and remuneration rights (paid for a piece of work)
- Holidays and Holiday Pay
- Sick Pay
- Parental Rights
- Flexible working
- Agency worker
- Discrimination and formal complaints Health, safety, and liability
- Unfair dismissal, tribunals, and disciplinary procedures

Contracts and Agreements

There is always a contract between an employee and an employer, even if there is nothing in writing. However, it is always good practice to confirm an agreement in a written statement or contract. Your employer must give you a formal contract within 2 months of you starting work. This contract should detail what rights you have under employment and government law. For example, the right to be paid National Minimum Wage (NMW) or paid holidays. Once the contract is agreed, you may have fewer rights than under employment guidelines. You should clarify the agreement before signing. A written agreement between you and your employer could include:

- Pay, NMW, salary, inclusive overtime or bonus pay
- Working hours per week, overtime hours and breaks
- Holiday pay, statutory holiday pay or maternity pay
- Sick pay, you may need to provide medical evidence if long term sick pay is needed
- Redundancy pay
- Notice periods
- Responsibilities of work

If you have not received a contract, it is recommended to make notes of verbal communications about your working rights. You can then send a copy of this to your employer.

Miguel Desport and Marion Bissierier
during their Internship at Pentagram
© Alys Tomlinson



Unpaid internships

Work experience can be called a 'placement' or an 'internship'. However, the term 'intern' has no legal status under minimum wage law. Entitlement to the NMW does not depend on the role, the profession or sector you work in. What matters is whether the contract states you are entitled to NMW.

Work experience may be referred to as 'unpaid work' or 'expenses only'. This means you will be providing a free service, to develop your skills and progress your career. The UK Government Guidelines - Work experience and Internships has more information and resources.

Hours and working conditions

Workers over 18 should not work more than 48 hours in a week. However you can choose to opt out of this law. Some occupations are exempt from this rule (armed forces, working at sea, domestic staff for example). Overseas students can work a maximum of 20 hours per week during term time and full-time during holidays. Accredited placements are exempt from this limit, so you can work as long as required whilst on work experience.

Workers are entitled to the following breaks:

- One uninterrupted 20 minute break per 6 hours of work
- Uninterrupted 11 hours rest between shifts
- Uninterrupted 24 hours off a week/48 hours off a fortnight

Not all contracts entitle workers to holiday pay. You are entitled to statutory sick pay if you normally earn over £112 per week and have been ill for at least 4 days in a row (including non-working days).

Dismissal and disciplinarys

Workers can only claim unfair dismissal once they've worked in a role for two years. This entitles you to a written explanation and legitimate reason for dismissal. You have three months after being dismissed, to raise your claim. Disciplinary procedures should be readily available to all staff at a company. They should also follow the Advisory, Conciliation and Arbitration Service (Acas) Code of Practice.



Students working in
studio, Wimbledon
College of Arts ©
Ana Blumenkron
Zertuche

Equality and Diversity

The Equality and Human Rights Commission has published a range of guidance on all aspects of the Equality Act 2010, including a Code of practice on employment. Whilst not legally binding documents, the codes give important guidance on good practice and failure to follow them may be taken into account by tribunals or courts. Diversity and inclusion are a vital part of workplace culture. Not only for the well-being of employees, but also to benefit the business itself.

Diversity

Diversity is about appreciating differences between individuals. In the workplace, it ensures that each of these varying attributes and characteristics are valued. There are 9 protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Inclusion

Inclusion is valuing and respecting people's differences to enable everyone to thrive at work. In an inclusive working environment, everyone feels that they belong without having to conform, that their contribution matters and they are able to perform to their full potential, no matter their background, identity or circumstances. A workplace encouraging diversity and inclusion can help.

- Make businesses become more successful
- Keep employees happy and motivated
- Prevent serious or legal issues arising, such as bullying, harassment and discrimination
- To better serve a diverse range of customers
- Improve ideas and problem-solving
- Attract and keep good staff

Employers, managers and employees should understand the importance of equality, diversity and inclusion in all areas of work, including:

- Recruiting new staff
- Training and promoting existing staff
- Equal pay
- Religious beliefs and practice
- Dress code
- Unacceptable behaviour
- The dismissal of staff
- Redundancy
- Different types of leave for parents
- Flexible working

How to make sure your workplace is inclusive?

A good start is to have a workplace policy covering equality, diversity and inclusion. This might also be called an 'equal opportunities policy'. A policy helps everyone to know:

- The business supports and treats everyone fairly
- What kind of behaviour is expected of them
- About discrimination and the law, and what is not acceptable
- Where to find the procedures for resolving any problems

It could also point employees to any extra activities or services the workplace offers, such as staff networks or employee assistance groups or programmes.

Training and development

Diversity, inclusion and equality should also have a place in the training, development and promotion of staff. Training and development for employees and managers, so staff have access to opportunities without prejudice because of a protected characteristic.

New staff inductions, so everyone becomes familiar straight away with the equality, diversity and inclusion policy

Performance review processes and promotions, so there are no questions about whether or not an employee fits in because of their protected characteristic

Types of Discrimination

Direct discrimination is when someone is treated worse than others because of protected personal characteristics. For example age, disability, gender, pregnancy, race, beliefs or sexual orientation.

Indirect discrimination is where an employee is disadvantaged by an unjustified policy or requirement. For example, if an employer only gives training to full-time workers. This would indirectly discriminate against women, as statistically more women than men are part-time workers.

If you have a problem with your employer, try to sort it out informally first. If this doesn't work, you should follow the official grievance procedure. Send your employer a written statement, setting out your grievance, and give them a reasonable time to respond.



Students working, Central Saint Martins Library © Image: Ana Blumenkron

Meet with your employer to discuss your grievance, appeal against your employer's decision if you are not happy with it.

Small companies and businesses

If you work for a small company or want to run a small business with limited resources, you can draw up a policy with your team and create an action plan. Start small and prioritise the most sensitive areas.

Health and safety

Health and safety law states that organisations must:

- Assess activity risks to employees, customers, partners, etc.
- Arrange for effective planning, organisation, control, monitoring and review of preventive and protective measures.
- Have a written health and safety policy if they employ five or more people.
- Ensure staff access to competent health and safety advice.
- Consult employees about their risks and preventive and protective measures.

If an employer is negligent in any of the above, the employee can claim for compensation.

Wellbeing

Workplace wellbeing relates to all aspects of working life. It considers the quality of the work environment, employee's feelings about their work, and the work climate. UK Government promotes guidance on workplace health and wellbeing as an everyday practice.

Useful Links

- [UAL Student Union](#)
- [UAL Health and safety for students](#)
- [UAL Student Services](#)
- [Citizens Advice](#)
- [Trade Unions](#)
- [National Minimum Wage and Remuneration Calculator](#)
- [Prospects: Guide to Employer Rights](#)
- [Personal Independence Payments](#)
- [Disability Rights UK](#)
- [Disability Law Service](#)
- [British Association of Supported Employment](#)
- [Mutually Inclusive self employment toolkits](#)
- [SCOPE](#)
- [Disabled Entrepreneurs' Network \(DEN\)](#)
- [Acas - Equality and discrimination diversity](#)



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- [Equality and Human Rights Commission](#)
- [GOV.UK - Employers: preventing discrimination](#)
- [Government Equalities Office](#)
- [The Employers Network for Equality & Inclusion \(enei\)](#)
- [Equality and Diversity Forum](#)
- [How Ralph Lauren does diversity](#)

Books

- ACAS. (2018) Prevent discrimination: support equality. London: ACAS.
- BUSINESS DISABILITY FORUM. (2015) Square holes for square pegs: current practice in employment and autism. London: Business Disability Forum.
- FROST, S. and KALMAN, D. (2016) Inclusive talent management: how business can thrive in an age of diversity. London: Kogan Page.
- MCANDREW, F. (2010) Workplace equality: turning policy into practice. London: Equality and Diversity Forum.



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